

GAHC010243882023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1199/2023

MD. INAMUL HUDA AND ANR
S/O LATE SAMSULHUDA
R.R.B. ROAD,
SOUTH HAIBORGAON,
P.S. NAGAON SADAR,
NAGAON, ASSAM,
PIN-782002.

2: MUSTT. SIRIN SULTANA
W/O MD. INAMUL HUDA
R.R.B. ROAD
SOUTH HAIBORGAON

P.S. NAGAON SADAR
NAGAON
ASSAM
PIN-78200

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:HAFIJUR RAHAN
S/O LATE ASHRAF ALI
R.R.B. ROAD
SOUTH HAIBORGAON

P.S. NAGAON SADAR

NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MR. A SATTAR, S CHOUDHURY

Advocate for the Respondent : PP, ASSAM, S AHMED (R-2)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 28.10.2024

Heard Mr. A. Sattar, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State as well as Mr. S. Ahmed, learned counsel for the respondent No. 2.

2. This application has been preferred under Section 482 Cr.P.C., praying for quashing of criminal proceeding in connection with P.R.C Case No. 1720/2022 under Section 341/294/506/500/34 IPC, pending in the court of learned Chief Judicial Magistrate, Nagaon.

3. The brief facts of the case is that the FIR has been lodged by the respondent No. 2 as informant before the In-charge of Haiborgaon town out post under Nagaon police station stating *inter alia* that on 19.08.2021 in the morning hour when the respondent No. 2 was driving his car towards his house, the petitioner No. 1 namely Md. Inamul Huda and his wife i.e. petitioner No. 2 stopped his car and petitioner No. 1 put a dagger to his neck. It is also alleged that both the petitioners verbally abused him and thereafter, the petitioner No. 1 threatened him with dire consequences.

4. On receipt of the FIR, a case was registered vide Nagaon P.S. No.

1911/2021 under section 341/294/506/500/34 IPC and after completion of investigation, charge sheet has been submitted against the aforesaid sections of law. On receipt of the charge sheet, a case was registered vide PRC Case No. 1720/2022.

5. It is submitted by learned counsel for the petitioner that on 19.08.2023, an incident took place between both the parties in the morning hour and the petitioners first went to the Haiborgaon police out post to lodge the FIR. On coming to know about lodging of the FIR by petitioner No.1, the respondent No. 2 in order to counter the filing of the FIR against him, lodged the FIR against the present petitioners with concocted stories. Hence, the petitioners have preferred this petition under section 482 Cr.P.C. for quashing of the same.

6. It is further submitted by the learned counsel for the petitioners that subsequently, the matter has been settled amicably between the parties and on that basis, the respondent No. 2 has filed an affidavit before this Court by stating that he is the informant in PRC Case No. 1720/2022 arising out of Nagaon P.S. case No. 1911/2021 under Section 341/294/506/500/34 IPC. The petitioner No. 1 also lodged an FIR on 19.08.2021 and accordingly a case was registered being Nagaon P.S. Case No. 1910/2021 and subsequently after submission of charge sheet, a case was registered before the learned Magistrate vide PRC Case No. 730/2023 and charge was framed against him under Section 279 IPC.

7. It is also stated in the affidavit that the respondent No. 2 lodged the FIR as retaliatory action against the petitioner No. 1 and his wife i.e. petitioner No.2. Since he and the petitioner No. 1 are the practicing

advocates and all of them are neighbours of same locality as such, they have settled the matter amicably outside the court. The affidavit also disclosed that the respondent No. 2 is not interested to further proceed with the case in view of deed of agreement dated 13.11.2023 and he has no objection if the case against the petitioners is quashed.

8. Mr. Ahmed, learned counsel for the respondent No. 2 also submits that the matter between the parties has been settled amicably and the respondent No. 2 has no objection if the case pending against the petitioners is quashed.

9. Mr. Sarma, Learned Additional Public Prosecutor submits that as the offences are compoundable in nature with the permission of the court, the petitioners may approach before the trial court for necessary order.

10. I have considered the submissions of learned counsel for the parties. I have also perused the scanned copy of the record which reveals that charge sheet has been laid against the petitioners under Section 341/294/500/506/34 IPC out of which section 294 is non-compoundable. Section 341 is compoundable by the person restrained or confined, Section 500 also compoundable by the person defamed with the permission of the court and Section 506 is compoundable by the person intimidated.

11. In view of the above, considering the submissions of learned counsel for the parties, as it appears that the alleged offences except section 294 IPC, are compoundable in nature with the permission of the court, the petitioners are directed to file appropriate application before the trial court

that the matter has been amicably settled between the parties and the trial court after taking no objection from the side of the respondent No. 2 i.e. informant of the case on proper identification with written consent and dispose of the matter accordingly with his/her satisfaction that the matter has been amicably settled between the parties and the informant has no objection to dispose of the matter on compromise.

12. The criminal petition stands dispose of.

JUDGE

Comparing Assistant